

Congress of the United States
Washington, DC 20515

March 15, 2023

The Honorable Billy Nolen, FRAeS
Administrator (Acting)
Federal Aviation Administration
800 Independence Avenue, SW
Washington, DC 20591

The Honorable Charles F. Sams III
Director
National Park Service
1849 C St., NW
Washington, DC 20240

Dear Acting Administrator Nolen and Director Sams:

As Members of the New York and New Jersey Congressional Delegations, we write to express our concern over the final Federal Aviation Administration (FAA) and National Park Service (NPS) air tour voluntary agreements with air tour operators for the National Parks of New York Harbor's Statue of Liberty National Monument and Governors Island National Monument. While we are pleased that commercial air tours over the Statue of Liberty National Monument and Governors Island National Monument finally have National Parks Air Tour Management Act-defined operating parameters, we are concerned that comments from the public about the proposed voluntary agreement were not adequately addressed in the completed agreements.

The New York metropolitan area has one of the highest rates of helicopter use in the world. The region is the most densely populated metro region in the United States, exponentially increasing the potential dangers of a helicopter accident in our communities. Since 1983, we've had at least 30 helicopter crashes in the region, with at least 25 fatalities, according to National Transportation Safety Board records. Over the past decade, the New York Metropolitan Area has seen increased numbers of non-essential tourism and commuter helicopters. Helicopter-related noise complaints to 311 have gone up in New York City by over 2,300% in the last five years, and helicopter safety, noise, and environmental concerns are now one of the top issues we hear about from constituents. Nearly all tourist flights traversing New York City and northeastern New Jersey include the National Monuments in their itineraries.

We are pleased that the air tour voluntary agreements sought to protect the experience of visitors to the monuments; however, we are concerned that the new 1,000-foot setback from the parks for tourist helicopters and allowing helicopters to operate at 500 feet will increase the negative safety, noise, and environmental impact of air tours for our constituents. Governors Island National Monument is approximately 1,200 feet from Brooklyn and 2,400 feet from Manhattan. The Statue of Liberty National Monument is approximately 1000 feet from New Jersey's Liberty State Park and only slightly further from residential areas in Jersey City. The new Liberty State Park Avoidance Area included in the final agreements was a step in the right direction, but much of Liberty State Park, Lower Manhattan, and the areas of Brooklyn adjacent to Governors Island were left unprotected. In fact, the buffer zones around

the National Monuments stand to push flight traffic closer to Liberty State Park and New Jersey's waterfront area.

In order to have a full understanding of the impacts that the air tour voluntary agreements will have on our constituents, we request a Member-level briefing and answers to the following questions regarding the completed air tour voluntary agreements:

1. Why did the FAA and NPS complete air tour voluntary agreements for the Statue of Liberty National Monument and Governors Island National Monuments when they completed Air Tour Management Plans (ATMPs) for most of the other NPS units?
2. Why was no cap placed on the number of flights that air tour operators can complete?
3. Do any other air tour voluntary agreements or ATMPs:
 - a) Not include a cap on the number of flights that air tour operators can complete?
 - b) Not include restricted hours for air tour operator's flights?
4. Have all air tour operators that fly near the Statue of Liberty National Monument and Governors Island National Monuments signed air tour voluntary agreements?
5. Are air tour operators who did not sign agreements allowed to fly near the Statue of Liberty National Monument and Governors Island National Monuments?
6. Before issuing the proposed voluntary agreement, did the FAA and NPS consider the safety, noise, and environmental impacts for residents in the region? If so, can you provide us with that analysis?
7. How will the FAA and NPS enforce the setbacks and the Liberty State Park Avoidance Area?
8. Did the FAA and NPS conduct an analysis of whether the voluntary agreements would harm communities directly under their flight paths, including the impact of routes that fly over Liberty State Park?

We appreciate your prompt response.

Sincerely,



Dan Goldman
Member of Congress



Robert Menendez
Member of Congress



Charles E. Schumer
United States Senator



Jerrold Nadler
Member of Congress



Nydia M. Velázquez
Member of Congress



Alexandria Ocasio-Cortez
Member of Congress



Adriano Espaillat
Deputy Chair
Congressional Hispanic Caucus



Bill Pascrell, Jr.
Member of Congress